[Constitution as of July 4, 1947]

695 these languages being guaranteed the opportunity of fully acquainting
[543] themselves with the material in the case through an interpreter and likewise the right to use their own language in court.

Art. 125. In all Courts of the Georgian SSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defence.

693 Art. 126. Judges are independent and subject only to the law.

Art. 127. Supreme supervisory power to ensure the strict observance of law by all Ministries and institutions subordinated to them, as well as by officials and citizens within the territory of the Georgian SSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Georgian SSR.

Art. 128. The Procurators of the Georgian SSR, of the Autonomous Republics and of the Autonomous Region are appointed by the Procurator-General of the USSR for a term of five years.

Art. 129. District and city procurators are appointed by the Procurator of the Georgian SSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 130. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

Chapter XI. Fundamental Rights and Duties of Citizens

641 Art. 131. Citizens of the Georgian SSR have the right to work,
461 that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

● [446] Art. 132. Citizens of the Georgian SSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

667 Art. 133. Citizens of the Georgian SSR have the right to
641 maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense,

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

(c) There was also another form of loan, in which, instead of the interest being paid in money, the creditor had full right to use the pawned property for his own benefit during the whole term of the mortgage. This sort of contract, as it was used by the Pshavs, Tushes, and Khevsurs, must be regarded as a remainder of a legal form well known in ancient Georgia, called *girau*, according to which a creditor had the right of exploitation and benefit from the land pawned to him, from the very first day of the conclusion of the mortgage. It is interesting to note the custom performed at the time of making such a loan.[3] The creditor takes the ear of one of the witnesses, and addressing all who are present, says: "Remember that this man (the name is said) has borrowed money from me."

A loan, called *limpshten* by the Svans, consisted generally of natural objects, such as bread and corn. At the end of the year the debtor was obliged to return what was borrowed plus one-third of its value as interest; in other places, as in the community of Becho, the interest paid for a loan was even as high as fifty per-cent, or half the value of what was borrowed.

Custom clearly distinguished between the act of making a loan and the giving of a thing in preservation. The difference was the absence of the right to use and exploit the thing given for preservation, and the obligation to return the same thing, not its material equivalent. For any sort of damage done to the property given for preservation, the person who took it was responsible for the reparation, the amount of which was determined after the damage was done. Failure to return the property was regarded as a theft, in the same manner as in the Georgian Code of Vakhtang VI, and consequently the penalty was the same as for theft: the culpable person had to pay the indemnity, the amount of which was double the value of the stolen thing.

In hiring a person, the proprietor was obliged, among the Khevsurs and Tushes, not only to supply the hired person with room and board, but also to provide clothing and shoes for him. The contracts with shepherds show some peculiarities: When a

[3] Kovalevsky: a, II, 110.

6: Grigolia E-4, 5 (no date) 1939 RII Georgia RII

shepherd received a flock of sheep or herd of cattle from anyone to care for, he kept them together with his own flock. For his work he received all the milk from both herds; and any increase was divided between the shepherd and the owner of the flock or herd, according to the number of head of cattle or sheep. Among the Pshavs, the shepherd was paid with a part of the increase, which generally consisted of forty young (six-months old) sheep. If a shepherd left the flocks without his master's permission, and if some damage occurred to the flocks at that time, he was requested to make reparation; and in a case where the flocks were seized or driven away by an enemy, the shepherd lost his wages.[4]

The arable land was rented usually under the following condition: the lease-holder deducted from the harvest received by him the amount of sowing-seed used, and half the rest was paid as rent to the owner of the land.

In all the above mentioned contracts, it was permissible for several persons to accept joint responsibility. The one among them who paid first acquired the right to demand from his fellow partners their obligatory share of payment.

A particular feature is found among the Khevsurs, the order of debt security by guarantor (the *mzevali*). The creditor has full right to compel any member of the debtor's community to act as *mzevali*. This law has its foundation in the form of the social organization where group solidarity and reciprocal responsibility were the basis. The person who pays the debt of another man acquires toward the debtor the same rights as the owner of a stolen thing has toward a thief; that is, he has the right to demand from the debtor a payment equal to double the original sum. If the debtor avoids payment again at this time, the *mzevali* (guarantor) chosen by the creditor transfers his rights to a third person, who in turn acquires the right to receive from the debtor not double but four times the sum of his original debt. As an illustration of this custom, we may mention the following fact:[5] A rich Khevsur living in the valley of Ersto, by the name of

[4] Zisserman: 251.
[5] Khudadov: XIV, 1.